

City of Selah  
Council Minutes

May 22, 2007

Regular Meeting  
Selah Council Chambers  
115 West Naches Avenue  
Selah, WA 98942

A. Call to Order Mayor Jones called the meeting to order at 4:01pm.

B. Roll Call

Members Present: Keith Larson, Denise Nichols, Paul Overby, Allen Schmid, Herb Schmidt, Scott Smeback

Members Excused: Brian Harris

Staff Present: Frank Sweet, City Supervisor; Bob Noe, City Attorney; Jerry Davis, Fire Chief; Stacy Dwarshuis, Police Lieutenant; Joe Henne, Public Works Director; Dennis Davison, Community Planner; Dale Novobielski, Clerk/Treasurer

C. Pledge of Allegiance

Councilman Larson led the Pledge of Allegiance. Youth Pastor Bob Massey from Selah Covenant Church led the group in prayer.

D. Agenda Changes

Mayor Jones announced the addition of the following two items to the Agenda:

Ordinance N-2, Ordinance of the City of Selah Establishing the City Clerk/Treasurer as the Agent To Receive Claims for Damages Against the City; Providing for Severability; and, Establishing an Effective Date

Ordinance N-3, Ordinance Amending Ordinance No. 1693 – 2007 Salary Schedule for Management, Confidential and Unrepresented Employees for the Purpose of Adjusting the Salaries of the Deputy Fire Chief and the Parks & Recreation Coordinator

City Supervisor Frank Sweet indicated Ordinance N-2 is a house-keeping item and should be on the Consent Agenda.

E. Public Appearances

- F. Getting To Know Our Businesses
- G. Communications
  - 1. Oral
  - 2. Written
- H. Proclamations/Announcements
- I. Consent Agenda

**Councilman Herb Schmidt moved to add Ordinance N-1 to the Consent Agenda. Councilman Keith Larson seconded. By voice vote, motion carried unanimously.**

Mayor Jones read the Consent Agenda as amended.

All items listed with an asterisk (\*) were considered as part of the Consent Agenda.

- \* 1. Approval of Minutes: Study Session and Council Meeting May 8, 2007
- \* 2. Approval of Claims & Payroll: Claims Checks nos. 49668 – 49767 for a total of 178,784.37 and Payroll Checks Nos. 60924 – 61020 for a total of \$115,835.46.
- \* 3. Ordinance Adjusting the 2007 Budget To Purchase Radios with Grant and Reserve Funds
- \* 4. Ordinance of the City of Selah Establishing the City Clerk/Treasurer as the Agent To Receive Claims for Damages Against the City; Providing for Severability; and, Establishing an Effective Date

**Councilman Larson moved and Councilman Schmidt seconded to adopt the Consent Agenda as amended. By voice vote, the amended Consent Agenda was unanimously adopted.**

- J. Public Hearings
  - 1. Public Hearing To Consider the 2008-2013 Six-Year Transportation Improvement Program

Public Works Director Joe Henne explained the procedure for the adoption of a 6-year TIP. He passed out a revision sheet, which included a provision in Item 11 for signalization at the intersection of Southern and South First. He asked the Mayor to open the Public Hearing.

Mayor Jones opened the Public Hearing, and seeing no one rise to speak, closed the Public Hearing.

- K. New Business
- L. Old Business
- M. Resolutions

- 1. Resolution Authorizing the Mayor To Sign a License Agreement between the City of Selah and ASCAP (American Society Of Composers, Authors And Publishers) for Public

Performance or Use of ASCAP Registered Songs by Means of “Live Entertainment” or “Mechanical Music”

City Supervisor Frank Sweet addressed the Council regarding Resolution M-1. He noted this ASCAP contract is something about which the City has no choice. Representatives of ASCAP search the web to find municipalities who play music, and then require this contract.

City Attorney Bob Noe stated this is essentially a licensing agreement that requires a fee of \$284 per year. He stated that he agrees that we have to do it. He stated he has seen this group pursue private business.

Councilman Paul Overby asked if this includes music in the public domain, such as John Phillip Sousa.

Fire Chief Jerry Davis stated this could be the start. He noted he has a friend who has an establishment and has been approached by three different groups for such agreements and is now paying over \$1,000 a month to be able to play CD's.

Councilman Overby said this reads like a shakedown. He asked about the Community Band Concerts in the Park.

City Supervisor Sweet stated the Concerts in the Park and Community Days would be covered. He noted he tried to talk ASCAP out of it, but that did not work.

**Councilman Schmidt moved approval of the Resolution Authorizing the Mayor To Sign a License Agreement between the City of Selah and ASCAP (American Society Of Composers, Authors And Publishers) for Public Performance or Use of ASCAP Registered Songs by Means of “Live Entertainment” or “Mechanical Music.” Councilman Larson seconded. Roll was called: Council Member Smeback – yes; Council Member Schmid – yes; Council Member Schmidt – yes; Council Member Overby – no; Council Member Nichols – yes; Council Member Larson – yes. Motion passed 5 to 1 with Mr. Overby dissenting.**

2. Resolution Recognizing Flags Owned by the City of Selah, Washington To Be Those That Were Flying over the City on September 11, 2001 and to Authenticating Them as Having Historical Significance

Mayor Jones read Resolution M-2. He and Councilman Schmidt held up one of the flags that flew over the City of Selah on September 11, 2001.

The City Supervisor noted that the Mayor will present one to the Governor and the Senator and Representatives from the 14<sup>th</sup> district.

**Councilman Schmid moved approval of the Resolution Recognizing Flags Owned by the City of Selah, Washington To Be Those That Were Flying over the City on September 11, 2001 and to Authenticating Them as Having Historical Significance. Councilman Larson seconded. Roll was called: Council Member Smeback – yes; Council Member Schmid – yes; Council Member Schmidt – yes; Council Member Overby – yes; Council Member Nichols – yes; Council Member Larson – yes. Motion passed unanimously.**

3. Resolution Adopting the 2008-2013 Six-Year Transportation Improvement Program

Councilman Allen Schmid asked where we are on East Fremont.

Mr. Henne responded that we put in for a grant on that and scored 4<sup>th</sup> out of 5 applicants, so that project didn't get funded.

Mayor Jones noted that we might be able to reallocate some 823 corridor monies toward East Fremont.

Joe Henne said they would study that as part of Transportation Improvement Project on South Wenas.

Councilman Overby asked where the traffic light would be placed.

Mr. Henne responded that it would be at junction of 823 (South First) and Southern Avenue.

Councilman Keith Larson stated it appears that the first 3 projects will use most of the \$8.3 million.

Mayor Jones noted that the engineering has not been completed.

The Public Works Director said he doesn't really know if we need to have the first three projects on our 6-Year TIP, since they have been taken over by the state.

Councilman Allen Schmid stated that when they eliminate the first three projects, that would move Speyers up to number one. The Public Works Director predicted that when the light goes in on Fremont, there will be lots more traffic there.

Herb Schmidt noted the Council must understand that they have tried to estimate this for several years. He noted Crusher Canyon only took 10 years.

Mayor Jones noted in the past 12 years we've taken care of Fremont, Crusher Canyon, Naches, and Hillcrest, and that leaves Speyers as the next big project.

The Public Works Director added we've also overlaid North 1<sup>st</sup> and chip-sealed all streets.

**Councilman Larson moved approval of the Resolution Adopting the 2008-2013 Six-Year Transportation Improvement Program. Councilman Smeback seconded. Roll was called: Council Member Smeback – yes; Council Member Schmid – yes; Council Member Schmidt – yes; Council Member Overby – yes; Council Member Nichols – yes; Council Member Larson – yes. Motion passed unanimously.**

N. Ordinances

- \* 1. Ordinance Adjusting the 2007 Budget To Purchase Radios with Grant and Reserve Funds
- \* 2. Ordinance of the City of Selah Establishing the City Clerk/Treasurer as the Agent To Receive Claims for Damages Against the City; Providing for Severability; and, Establishing an Effective Date

3. Ordinance Amending Ordinance No. 1693 – 2007 Salary Schedule for Management, Confidential and Unrepresented Employees for the Purpose of Adjusting the Salaries of the Deputy Fire Chief and the Parks & Recreation Coordinator

City Supervisor Frank Sweet stated Ordinance N-3 is a salary adjustment needed to be fair to employees. He noted when the deputy chief position was created had no comparison no lieutenant at that time. Now that we do, the pay should be comparable. He stated the second adjustment moves the Parks & Rec Coordinator up to full time move based on responsibility he has.

**Councilman Schmid moved approval of the Ordinance Amending Ordinance No. 1693 – 2007 Salary Schedule for Management, Confidential and Unrepresented Employees for the Purpose of Adjusting the Salaries of the Deputy Fire Chief and the Parks & Recreation Coordinator. Councilman Overby seconded. Roll was called: Council Member Smeback – yes; Council Member Schmid – yes; Council Member Schmidt – yes; Council Member Overby – yes; Council Member Nichols – yes; Council Member Larson – yes. Motion passed unanimously.**

O. Communications

1. Oral

P. Reports/Announcements

1. Mayor
2. Council Members
3. Boards
4. Departmental

- a. Building Permit/Code Enforcement Report – 1<sup>st</sup> Quarter 2007

Clerk/Treasurer Dale Novobielski reported everyone has the April financial reports. He pointed out that May will end in nine days.

Community Planner Dennis Davison reported that in two weeks the Council will have before it an Ordinance to finalize the Driscoll Road annexation. He asked Councilman Overby if he needs anything for the Council Forum June 6.

Councilman Paul Overby noted that will be the Economic Development Committee Forum.

The City Supervisor stated he will work with the Planner to prepare materials.

Public Works Director Joe Henne reported the Civic Center kitchen was lots cooler at the potato feed this year. (Since the new commercial kitchen exhaust hood has been installed.)

Fire Chief Jerry Davis noted the Civic Center is also safer now because of fire suppression system. He noted he's identifying those in the fire district who have not paid their fire taxes. He reported training Officer Jim Martin sees his doctor next week and will find out where he is with light duty. The Mayor and several Council Members complimented the Chief on his red motorcycle.

City Supervisor Frank Sweet noted Community Days went very well, and everybody did an outstanding job. He said he had heard that the Parade Chairman got tons of emails, and they were all positive.

Police Lieutenant Stacy Dwarshuis reported Chief Gutierrez & Karen Thomas went to DC last week to attend a conference on gangs and hopefully brought back all kinds of good information. He noted Community Days were a breeze this year. He reported his department is still getting bids on equipment for their new facility.

Councilman Allen Schmid noted corrections are necessary in the sports brochure. He reported the Girls 2A district tournament was held last weekend at Carlon Park. He said there were lots of good comments on the field. He stated the set-up with the 4-diamond complex plus the high school varsity field works very well for tournaments.

Councilman Paul Overby reported the next community forum will be held June 6 at 7:00pm at the Civic Center. He said it's important to let people know that based on attendance at this forum we'll need to have a serious conversation about future forums. He reported he and Councilman Schmid met with Yakima Transit last week, noting only minor typographical changes remain to be made in the new agreement.

Councilman Scott Smeback gave congratulations to girls' fast-pitch team, as well as the boys' and girls' track teams who took titles last week. He noted the girls' fast-pitch competition was very good.

Councilman Herb Schmidt noted he was the one who made sure everyone got a copy of the sports brochure. He stated it may need some corrections, but this first attempt is admirable. He expressed his appreciation to those who participated in the pancake feed, because that money will go toward scholarships for local kids. He stated Kiwanis made over \$300 on the pancake breakfast this year.

Mayor Jones praised Public Works Department, noting the City stood tall during community Days. He stated fire equipment shone as did the Police, and everything came off without a hitch. He noted when we looked at the 6-year transportation plan, it's important to remember that our representatives Deccio, Clements and Skinner worked hard to get funding for that program. He stated the new exhaust system is a great addition to the Civic Center, and the new cover for stage at Wixson Park added a lot to Community Days.

Q. Executive Session

No Executive Session is scheduled.

R. Adjournment

Council Member Schmid moved, and Councilman Larson seconded that the meeting be adjourned. By voice vote, the motion passed unanimously. The meeting adjourned at 4:42pm.

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Robert L. Jones, Mayor

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Paul Overby, Council Member

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Keith Larson, Council Member

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Denise Nichols, Council Member

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Brian Harris, Council Member

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Herb Schmidt, Council Member

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Scott Smeback, Council Member

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Allen Schmid, Council Member

ATTEST:

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Dale E. Novobielski, Clerk/Treasurer